

III. Remarks

A In the Specification

Examiner, in Office Action mailed 12/17/2002 stated an objection to the specification as showing the same reference numeral 26 for two separate parts, on two separate pages, 19 and 21. (page 2, lines 7-11). While examiner added an objection to the drawings, no informality in any of the drawings was noted by examiner. Applicant made a good faith effort to comply with this examiner objection to form by changing numeral 26 to numeral 24 at the location in the specification where examiner identified its occurrence in order to correctly identify the overleaf 24. However, at the time of examiner's objection there were two other specification references in error of numeral 26 to the overleaf and which were missed by examiner and not addressed by applicant. In a subsequent examination of the specification, applicant has noticed two other occurrences in the specification of numeral 26 associated in error with overleaf 24. Applicant has corrected this informality previously overlooked by applicant and examiner.

This correction of this informality merely makes a cumulative correction to informalities identified by examiner, does not add any new meaning or require any new search, and applicants request this corrected paragraph be admitted in this application.

B In the Drawings

Applicant proposes for examiner's approval, a new drawing Fig. 8, attached, and submitted in compliance with examiners drawing requirement made on page 2 of the Office Action mailed 6/18/2003, under the paragraph heading "Specification." This proposed drawing adds numeral 24, 27, 12a, 12b, 18a and 18b, as directed by examiner and additionally changes numeral 26 identifying the overleaf to numeral 24, consistent with the specification.

In Office Action dated 12/17/2003, Examiner objected to the drawing but made only a limited reference to corrections in the specification where the same reference numeral 26 was used in refer to two separate parts, in particular to the use of numeral 26 to refer to the limiting means and to the overleaf, but without indicating any informality in any of the drawings. Applicant made those changes in the specification, as indicated by examiner in a good faith attempt to meet examiner's objection, and to comply with all requirements of form as presented in that same Office Action dated 12/17/2003.

However, examiner did not notify applicant of the informality in Fig 8 wherein numeral 26, used in reference to the overleaf, should have been changed to numeral 24. This proposed drawing change corrects that informality by using numeral 24 in reference to the overleaf and by adding numerals 24, 27, 12a, 12b, 18a, and 18b, as required by examiner.

Applicant's new drawing corrects noted informalities and approval is requested.

C. Examiner's Prejudice Towards Applicants' Attorney And Legal Representative, Demonstrated By The Following Examiner Statements From The Office Action Mailed 06/18/2003, Denies Applicants A Fair And Impartial Examination, Is A Denial Of Equal Protection Under Law, And Has Produced A Failure By The U.S Patent And Trademark Office To Afford To Applicants The Essential Requirements Of The Law

Examiner's statements made in the Office Action mailed 6/18/2003 are repeated as follows.

1. "... applicant has only presented careless changes containing errors . . ." (Page 2, line 3.)
2. "... Applicant . . . appears not to be familiar with the format of an Office action (sic) and how a grounds for rejection is (sic) presented." (Page 3, line 1 and 2.)
3. "An Office action (sic) does not use the explicit words as 'the fact are.' (sic) Instead language use to present facts are for example. The 'reference shows' or 'teaches.' (Page 3, lines 2 and 3.)
4. "Merely because applicant is inexperienced with how an office action (sic) is presented and/or (sic) he chooses to ignore how the facts are presented . . ." (Page 3, lines 4 and 5.)
5. "... applicant blindly restates the MPEP " (Page 3, line 17.)
6. "To applicant this may seem 'illogical' based on his abilities. However, his deficiencies to

comprehend the basis for a rejection fo not render it improper. (Page 3, lines 24 and 25.)

7. "Merely because applicant is not familiar with the MPEP, patent practice and/or chooses to ignore such does not render a rejection improper." (Page 4, lines 1 and 2.)

8. "When an examiner writes a rejection and he is assuming that he is dealing with a patent professional familiar with patent practice and prosecution, he may be brief with the consideration that the applicant would have the competence to understand, amend, and/or (sic) overcome the rejection. (Page 4, lines 4 to 6.)

9. "Either in the present case, applicant is not a patent professional or he chooses to ignore the facts by taking the position that '(the rejection) fails to explain the facts, basis in law, or any other rational.'" (Page 4, lines 6 to 8.)

10. "Further, arguments pertaining this false and misleading statement will not be further addressed . . ." (Page 5, line 15.)

11. "All the facts are clearly stated such that a patent professional can easily determine how the prior art meets the limitations of the claimed invention." (Page 5, lines 18 and 19.)

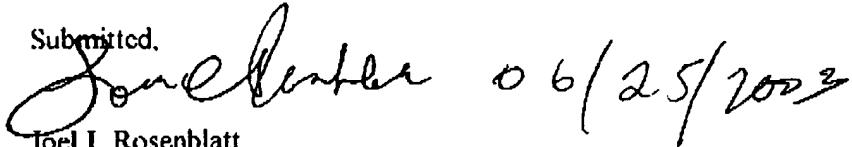
Applicants' attorney is registered to practice in the U.S. Patent Office, is admitted to the New York, Florida, and Ohio Bars, to the Court of Appeals For The Federal Circuit, and to all District Courts in the State of Florida. Aside from the arguments made in the course of patent prosecution, examiner has no knowledge of applicant's attorney's knowledge or experience as a patent attorney and a member in good standing of several state and federal bars. Directed to an attorney at law and a professional, Examiner's statements, above, are well outside the scope of examiner's authority under any law, rule, or regulation, or under the examination standard of substantial evidence, as set forth in *In re Zurko* 358 F.3d 1379, 1385 (Fed. Cir. 2001).

Directed to a patent attorney, these statements, made by a representative of the U.S. Patent and

Trademark Office, and without any qualification of privilege, can serve no purpose in advancing the prosecution of this application, and can only be maliciously intended by examiner to intimidate, insult, defame, and cause injury to the attorney's professional reputation and to deny to applicants a fair and impartial examination.

The damage caused to the applicants and to applicants' attorney at law is irreparable, and applicant's attorney can offer no means or method to a cure. except that as a minimum, this case and a related case with the same inventorship assigned to this examiner for a Method For Improving Bowler's Control, Serial No. 396,530, Filed 9/15/1999, attorney docket 99-1002, are removed from Technical Center 3700 to a location in the U.S. Patent and Trademark Office where a fair and impartial examination, meeting the essential requirements of the law, is assured.

Submitted,

Handwritten signature of Joel I. Rosenblatt in black ink, appearing to read "Joel Rosenblatt 06/25/2003".

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Enclosure: Proposed Figure 8.